



Rob Wilcox <rob.wilcox@lacity.org>

Ninoos Benjamin

Zahniser, David <David.Zahniser@latimes.com>

Tue, Sep 6, 2016 at 7:31 AM

To: Rob Wilcox <rob.wilcox@lacity.org>, Frank Mateljan <frank.mateljan@lacity.org>

Hello guys,

I'm looking for a filing and/or statement from the city on the case entitled Ninoos Benjamin V City of Los Angeles. Can you send me something that was filed by the city responding to his claims? Among other things, he asserted that:

- there was a "race-based turf war" at the Community Development Department between Latinos and African Americans
- staffers were hired based on race not on merit
- he faced discrimination as a caucasian Assyrian/Persian
- his division was "arbitrarily" ordered to retain three underperforming African American employees
- high-level managers hired two underperforming Latinos in order to "counter the all-African American hiring frenzy"

I couldn't find a filing from the city that directly counters Benjamin's (4th) amended complaint. If there isn't paperwork to this effect, can someone in the city attorney's office say whether these claims by Benjamin were accurate? His payout is at City Council today.

Thanks,

Dave Z
LAT



Rob Wilcox <rob.wilcox@lacity.org>

Ninoos Benjamin

Rob Wilcox <rob.wilcox@lacity.org>

Tue, Sep 6, 2016 at 7:36 AM

To: "Zahniser, David" <David.Zahniser@latimes.com>

Cc: Frank Mateljan <frank.mateljan@lacity.org>

Let me see what I can find out.

Rob Wilcox
Director, Community Engagement and Outreach
Office of Los Angeles City Attorney Mike Feuer
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Rob Wilcox <rob.wilcox@lacity.org>

Ninoos Benjamin**Zahniser, David** <David.Zahniser@latimes.com>

Tue, Sep 6, 2016 at 7:45 AM

To: Rob Wilcox <rob.wilcox@lacity.org>

Also, it looks to me from the docket like the payout is the result of a jury's decision. Is that correct?

If so, can you guys say which element of the lawsuit (he makes a lot of claims) the jury was dealing with?

Thanks,

Dave Z

From: Rob Wilcox [rob.wilcox@lacity.org]**Sent:** Tuesday, September 06, 2016 7:36 AM**To:** Zahniser, David**Cc:** Frank Mateljan**Subject:** Re: Ninoos Benjamin

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Rob Wilcox <rob.wilcox@lacity.org>

Ninoos Benjamin

Rob Wilcox <rob.wilcox@lacity.org>

Tue, Sep 6, 2016 at 10:16 AM

To: "Zahniser, David" <David.Zahniser@latimes.com>

Cc: Frank Mateljan <frank.mateljan@lacity.org>

- Here is what I have found so far:
- The City's Answer to the Second Amended Complaint filed November 20, 2013, was stipulated to be the Answer to the Third and Fourth Amended Complaints, and in it the City denied all claims and damages.
- The City filed a Motion for Summary Judgment/Adjudication on July 6, 2015 (amended on July 9, 2015), which the Judge Dalila Lyons granted as to all causes of action, including the race based claims, except two Labor Code section claims, one of which Benjamin abandoned before the jury began deliberating.
- The jury returned a verdict of \$758,204.96 on the sole cause of action remaining under Labor Code section 1102.5 for whistleblower retaliation.
- Benjamin asked the jury to return a verdict of \$4,318,399.99 to \$6,818,399.99.
- The payout will be \$750,000 as a settlement.

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On Tue, Sep 6, 2016 at 7:31 AM, Zahniser, David <David.Zahniser@latimes.com> wrote:

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Rob Wilcox <rob.wilcox@lacity.org>

Ninoos Benjamin

Zahniser, David <David.Zahniser@latimes.com>
To: Rob Wilcox <rob.wilcox@lacity.org>

Tue, Sep 6, 2016 at 10:26 AM

So I should call this a settlement and not a jury award? Also, does the \$750K include his legal bills?

Dave Z

From: Rob Wilcox [mailto:rob.wilcox@lacity.org]
Sent: Tuesday, September 06, 2016 10:16 AM
To: Zahniser, David
Cc: Frank Mateljan
Subject: Re: Ninoos Benjamin

- Here is what I have found so far:
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Rob Wilcox <rob.wilcox@lacity.org>

Ninoos Benjamin

Zahniser, David <David.Zahniser@latimes.com>

Tue, Sep 6, 2016 at 11:08 AM

To: Rob Wilcox <rob.wilcox@lacity.org>

Thanks for this. So the surviving part of Benjamin's lawsuit were the ninth and twelfth causes of action? If so, does that mean the judgment was dealing only with the 9th?

Dave Z

From: Rob Wilcox [mailto:rob.wilcox@lacity.org]**Sent:** Tuesday, September 06, 2016 10:32 AM**To:** Zahniser, David**Subject:** Fwd: Ninoos Benjamin

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Rob Wilcox <rob.wilcox@lacity.org>

Ninoos Benjamin

Rob Wilcox <rob.wilcox@lacity.org>

Tue, Sep 6, 2016 at 12:22 PM

To: "Zahniser, David" <David.Zahniser@latimes.com>

Correct.

And the settlement means both sides waived rights to pursue further litigation.

Rob Wilcox
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